

1  
2  
3  
4 MAURICE W. HOOKER,  
5 Petitioner,  
6 v.  
7 M. SPEARMAN, Acting Warden  
8 Respondent.

Case No. 11-cv-01652-SBA (PR)

**ORDER DENYING LEAVE TO  
PROCEED IN FORMA PAUPERIS  
ON APPEAL; AND DENYING  
MOTION FOR APPOINTMENT OF  
COUNSEL ON APPEAL**

Dkts. 16, 17

9 This matter came before the Court for consideration of Petitioner's pro se petition  
10 for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 2008 conviction in the  
11 Santa Clara County Superior Court. On July 16, 2014, the Court denied the petition as to  
12 all claims. Dkt. 13.

13 Petitioner has filed a motion for leave to proceed in forma pauperis on appeal. Dkt.  
14 16. He has also filed a motion for appointment of counsel on appeal. Dkt. 17.

15 In its July 16, 2014 Order, the Court denied a certificate of appealability because  
16 Petitioner had not shown that jurists of reason would find this Court's denial of Petitioner's  
17 claims debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000). For the same  
18 reason, Petitioner's appeal is not taken in "good faith" and consequently leave to proceed  
19 on appeal in forma pauperis (Dkt. 16) is DENIED. See 28 U.S.C. § 1915(a)(3).

20 Petitioner's motion for appointment of counsel on appeal should be directed to the  
21 Ninth Circuit Court of Appeals. Therefore, the motion is DENIED without prejudice to  
22 renewing it there. Dkt. 17.

23 This Order terminates Docket Nos. 16 and 17.

24 IT IS SO ORDERED.

25 Dated: December 30, 2014

  
26 SAUNDRA BROWN ARMSTRONG  
27 United States District Judge  
28